

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10480-RGS

SILAS CALHOUN AND EMILY)
CALHOUN, INDIVIDUALLY, AND AS)
PARENTS AND NEXT FRIENDS OF)
ESTELLA CALHOUN,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA,)
ERIC C. DAUB, M.D. AND)
MARIANNE SUTTON, M.D.,)
)
Defendants.)
)

**MOTION FOR COURT ORDER FOR RECORDS OF THE PLAINTIFF,
ESTELLA CALHOUN, FROM CHILDREN'S HOSPITAL, TRIPLER ARMY
MEDICAL CENTER, AND SCHOFIELD BARRACKS HEALTH CENTER**

NOW COMES the defendant, Marianne Sutton, M.D. ("Dr. Sutton"), and hereby moves this Honorable Court for an order for the release of medical records of Estella Calhoun from Children's Hospital, Tripler Army Medical Center and Schofield Barracks Health Clinic for inspection.

As grounds therefore, the defendant states the following:

1. This is a medical malpractice action wherein the plaintiff alleges that Dr. Sutton negligently discharged Estella Calhoun from Emerson Hospital, resulting in intracranial bleeding and seizures which caused permanent neuro-deficits. Dr. Sutton was the plaintiff's treating physician when the plaintiff was admitted to Emerson Hospital from March 3 through 6, 2000.

2. The medical records from all subsequent facilities requested are relevant in this medical malpractice case due to the medical diagnosis of the plaintiff.
3. Dr. Sutton now seeks the release of the medical records for Estella Calhoun in the possession of Children's Hospital, Tripler Army Medical Center and Schofield Barracks Health Clinic.
4. Dr. Sutton seeks to have their experts review the medical records in order to prepare for the defense of this action.
5. No party will be prejudiced by the granting of this motion.
6. The defendant will provide reimbursement for the cost of copying these records upon receipt of an invoice.

WHEREFORE, the defendant, Dr. Sutton, respectfully requests that this Honorable Court issue the proposed orders attached authorizing the release of the medical records of Estella Calhoun to Dr. Sutton's attorney based upon the aforementioned reasons.

The Defendant,
Marianne Sutton, M.D.
By her attorneys,

/s/ Holly L. Parks
Paul R. Greenberg, BBO No. 552176
Holly L. Parks, BBO No. 647273
RINDLER • MORGAN, P.C.
133 Portland Street, Suite 500
Boston, Massachusetts 02114-1728
(617) 973-0660

Dated: 1/27/06

CERTIFICATE OF SERVICE

I, Holly L. Parks, hereby certify that on the above date I served this document by mailing a copy of same, by first-class mail, to the following:

Michael S. Appel, Esq.
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114-4737

Anton P. Giedt, Esq.
Assistant U.S. Attorney
United States Attorney's Office
Moakley U.S. Courthouse, Suite 920
1 Courthouse Way
Boston, MA 02210

CERTIFICATION OF CONFERENCE WITH COUNSEL

I, Holly Parks, hereby certify that on January 9, 2006, I spoke with all counsel of record concerning the above matter and all agreed to such Motion.

/s/ Holly L. Parks

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**ORDER FOR THE RELEASE OF MEDICAL RECORDS OF ESTELLA CALHOUN
FROM CHILDREN'S HOSPITAL**

It is hereby ordered that the **Keeper of the Records for Children's Hospital**, or the person or persons in charge of these records, shall furnish to the attorney for the defendant, Marianne Sutton, M.D., to Holly L. Parks, Rindler Morgan, P.C., 133 Portland Street, Suite 500, Boston, Massachusetts, 02114, with any and all records of **Estella Calhoun, D.O.B. 2/25/00**, kept by the **Keeper of the Records for Children's Hospital**, including all medical records, surgical records, pathology reports and slides, CAT scan films and reports, MRI films and reports, EMGs, X-ray films and reports, any other records, writings, notes or other memoranda relating in any way at all to any of the physical, medical or health conditions, illnesses or disabilities, including but not limited to, those of doctors, nurses, practitioners, health providers, hospitals, clinics, institutions or other health care providers or insurers, being kept subject to the provisions of Chapter 11, Massachusetts General Laws, and being admissible under the provisions of Massachusetts General Laws, Chapter 233, Section 79, upon the payment of a reasonable fee.

By the Court

Justice of the District Court for the
District of Massachusetts

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**ORDER FOR THE RELEASE OF MEDICAL RECORDS OF ESTELLA CALHOUN
FROM TRIPLER ARMY MEDICAL CENTER**

It is hereby ordered that the **Keeper of the Records for Tripler Army Medical Center**, or the person or persons in charge of these records, shall furnish to the attorney for the defendant, Marianne Sutton, M.D., to Holly L. Parks, Rindler Morgan, P.C., 133 Portland Street, Suite 500, Boston, Massachusetts, 02114, with any and all records of **Estella Calhoun, d.o.b. 2/25/00**, kept by the **Keeper of the Records for Tripler Army Medical Center**, including all medical records, surgical records, pathology reports and slides, CAT scan films and reports, MRI films and reports, EMGs, X-ray films and reports, any other records, writings, notes or other memoranda relating in any way at all to any of the physical, medical or health conditions, illnesses or disabilities, including but not limited to, those of doctors, nurses, practitioners, health providers, hospitals, clinics, institutions or other health care providers or insurers, upon the payment of a reasonable fee.

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ORDER FOR THE RELEASE OF MEDICAL RECORDS OF ESTELLA CALHOUN
FROM SCHOFIELD BARRACKS HEALTH CLINIC

It is hereby ordered that the **Keeper of the Records for Schofield Barracks Health Clinic**, or the person or persons in charge of these records, shall furnish to the attorney for the defendant, Marianne Sutton, M.D., to Holly L. Parks, Rindler Morgan, P.C., 133 Portland Street, Suite 500, Boston, Massachusetts, 02114, with any and all records of **Estella Calhoun, D.O.B. 2/25/00**, kept by the **Keeper of the Records for Schofield Barracks Health Clinic**, including all medical records, surgical records, pathology reports and slides, CAT scan films and reports, MRI films and reports, EMGs, X-ray films and reports, any other records, writings, notes or other memoranda relating in any way at all to any of the physical, medical or health conditions, illnesses or disabilities, including but not limited to, those of doctors, nurses, practitioners, health providers, hospitals, clinics, institutions or other health care providers or insurers, upon the payment of a reasonable fee.

By the Court

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